

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**EOLAS TECHNOLOGIES
INCORPORATED,**

Plaintiff,

vs.

ADOBE SYSTEMS, INC., et al.,

Defendants.

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CASE NO. 6:09-CV-446

FINAL TRIAL PLAN

Before the Court is the parties' Status Update Regarding the Parties' Relative Positions on a Trial Plan (Docket No. 1168). The Court held a hearing regarding the same on January 19, 2012, and heard argument on developing a final trial plan for this case. This Order memorializes the Court's rulings from the bench during the hearing regarding the final trial plan.

The trial will proceed in four phases, if necessary, according to the following schedule:

Trial	Jury Selection	Trial Date	Defendants
Invalidity and Inequitable Conduct	February 6, 2012	February 6, 2012	All Defendants
Infringement and Damages	February 6, 2012	February 13, 2012	Group A
Infringement and Damages	February 27, 2012	February 27, 2012	Group B
Infringement and Damages	March 5, 2012	March 5, 2012	Group C

The Defendants shall be divided into the following three groups for the Infringement and Damages trials:

- Google and YouTube
- Amazon and Yahoo!
- Adobe, CDW, Citigroup, Go Daddy, J.C. Penney, and Staples

Plaintiff shall notify the Court and Defendants by noon on January 20, 2012, the order in which it will try the defendant groups for the Infringement and Damages trials. If a defendant group settles prior to its trial date, the trial dates for the subsequent defendant groups shall be moved up accordingly. Thus, if Group A settles prior to February 13th, then Group B's trial date would be February 13th and Group C's would be February 27th.

The time allotments per side for the Invalidity and Inequitable Conduct trial are:

- Voir Dire: 20 minutes;
- Opening Statement: 30 minutes;
- Direct/Cross Examination: 6 hours; and
- Closing Argument: 40 minutes.

The time allotments, per side, for each Infringement and Damages trial are:

- Voir Dire: 20 minutes;
- Opening Statement: 30 minutes;
- Direct/Cross Examination: 12 hours; and
- Closing Argument: 45 minutes.

The Court further notes that these time allotments include issues for both the bench and the jury; the parties should budget their time accordingly.

So ORDERED and SIGNED this 20th day of January, 2012.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE